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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/723,945	11/26/2003	Jean Viaud	09166-US	9418

7590 06/30/2004
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EXAMINER

PETRAVICK, MEREDITH C

ART UNIT	PAPER NUMBER
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3671

DATE MAILED: 06/30/2004

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary	Application No. 10/723,945	Applicant(s) VIAUD, JEAN	
	Examiner Meredith C Petravick	Art Unit 3671	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --
Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☐ Responsive to communication(s) filed on ____.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-11 is/are pending in the application.
 4a) Of the above claim(s) ____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) ____ is/are allowed.
- 6) ☒ Claim(s) 1-11 is/are rejected.
- 7) ☐ Claim(s) ____ is/are objected to.
- 8) ☐ Claim(s) ____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☒ The drawing(s) filed on 26 November 2003 is/are: a) ☒ accepted or b) ☐ objected to by the Examiner.
 Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
 Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☒ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
 a) ☒ All b) ☐ Some * c) ☐ None of:
1. ☒ Certified copies of the priority documents have been received.
 2. ☐ Certified copies of the priority documents have been received in Application No. ____.
 3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- | | |
|---|---|
| 1) <input checked="" type="checkbox"/> Notice of References Cited (PTO-892) | 4) <input type="checkbox"/> Interview Summary (PTO-413)
Paper No(s)/Mail Date. ____. |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948) | 5) <input type="checkbox"/> Notice of Informal Patent Application (PTO-152) |
| 3) <input checked="" type="checkbox"/> Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)
Paper No(s)/Mail Date <u>5/7/2004, 11/26/03</u> . | 6) <input type="checkbox"/> Other: ____. |

DETAILED ACTION

Claim Objections

1. Claims 5-6 and 11 are objected to because of the following informalities:

All of these claims depend from claim 1 and recite the limitation "the inner section."

This limitation lacks antecedent basis in the claim. The limitation was first recited in claim 2.

Therefore, it is assumed that applicant meant for these claims to depend from claim 2.

Appropriate correction is required.

Claim 9, line 2, "34" should be deleted.

Claim Rejections - 35 USC § 103

2. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

3. Claims 1-10 are rejected under 35 U.S.C. 103(a) as being unpatentable over Grahl et al. 6,601,375 in view of Engel et al. 5,848,523 and Uros et al., 6,370,851.

Grahl et al. discloses a baler (10) having a baling chamber inlet (20) and a crop delivery arrangement. The crop delivery arrangement includes:

- a crop take-up device (18)
- a transverse conveyor (36 and 42a,b)

The crop take-up device and conveyor are equally wide and wider than the inlet. (Fig. 2)

However, Grahl et al. does not disclose a crop-processing device in the crop delivery arrangement.

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Engel et al., discloses a baler that is very similar to the baler in Grahl et al. Engel et al. expressly teaches that a cutter could optionally be added (Column 3, lines 12-13)..

Like Grahl et al., Uros et al. discloses a baler (10) with a crop delivery arrangement including a crop take-up device (30). Unlike Grahl et al., Uros et al. provides a crop-processing device (cutting device 12). The device is the same width as the crop take-up device (Fig. 2).

Given the explicit teaching in Engel et al, it would have been obvious to one having ordinary skill in the art at the time the invention was made to provide the crop delivery arrangement of Grahl et al. with the cutting device of Uros et al.

In regards to claims 2, 4-6 and 8, the conveyor has an inner section (38) and end sections (40a, 40b, 42a, 42b). The inner section has drivers (44) and the end section has screws (46a, 46b, 50a, 50b). The axis of rotation of end section 40a is parallel with the axis of rotation of the inner section. The end sections (42a, 42b) are mounted for being driven separately from the inner section.

In regards to claims 3 and 7-10, the cutting device in Uros et al. is attached to the transverse conveyor through frame (32) which is attached to housing (28). This is an interface. The cutting device can inherently be removed. The transverse conveyor is in the overshot manner. The cutter head includes a plurality of knives (36).

4. Claims 1-5, 7, 9-11 are rejected under 35 U.S.C. 103(a) as being unpatentable over Engel et al. in view of Uros et al.

Engel et al. discloses a baler (10) having a baling chamber inlet (28) and a crop delivery arrangement. The crop delivery arrangement includes:

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- a crop take-up device (32)
- a transverse conveyor (34)

The crop take-up device and conveyor are equally wide and wider than the inlet (Fig. 2). Engel et al. expressly teaches that a cutter could optionally be added (Column 3, lines 12-13).. However, Engel et al. does not disclose the details of a crop-processing device in the crop delivery arrangement that is equally as wide as the crop take-up device and conveyor.

Like Engel et al., Uros et al. discloses a baler (10) with a crop delivery arrangement including a crop take-up device (30). Engel et al., Uros et al. provides a crop-processing device (cutting device 12). The device is the same width as the crop take-up device (Fig. 2).

Given the explicit teaching in Engel et al, it would have been obvious to one having ordinary skill in the art at the time the invention was made to provide the crop delivery arrangement of Grahl et al. with the cutting device of Uros et al.

In regards to claims 2 and 4-5, the conveyor has an inner section (54) and end sections (56). The end section has screws (66). The axis of rotation of end section 40a is parallel with the axis of rotation of the inner section.

In regards to claims 7, 9-10, the cutting device in Uros et al. is attached to the transverse conveyor through frame (32) with is attached to housing (28). This is an interface. The cutting device can inherently be removed. The transverse conveyor is in the overshot manner. The cutter head includes a plurality of knives (36).

In regards to claim 11, the transverse conveyor projects into the baling chamber and is driven in a direction opposite the direction the bale is being formed (fig. 3).

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Conclusion

5. The prior art made of record and not relied upon is considered pertinent to applicant's disclosure.

6. Any inquiry concerning this communication or earlier communications from the examiner should be directed to Meredith Petravick whose telephone number is 703-305-0047.

The examiner can normally be reached on Monday-Thursday from 7:00 a.m. - 4:30 p.m.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Thomas B. Will, can be reached at 703-308-3870.

Any inquiry of a general nature or relating to the status of this application or proceeding should be directed to the group receptionist whose telephone number is 703-308-1113. The fax number for this Group is 703-872-9306.



**Meredith Petravick
Patent Examiner
Group Art Unit 3671**

June 25, 2004